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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
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12 WELLTEC MACHINERY USA, INC., a
California corporation as assignee of
13 WELLTEC MACHINERY LIMITED a Hong
Kong registered Company,

14 Plaintiff,

15 v.

16 TAYLOR'S INDUSTRIAL SERVICES, LLC
17 a/k/a HPM DIVISION, and DOES 1
THROUGH 100,

18 Defendants.
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CASE NO. 08 CV 0877 BEN LSP

**DEFENDANT'S OBJECTIONS TO
EVIDENCE SUBMITTED IN PLAINTIFFS'
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS, TRANSFER, OR
STAY**

Date: June 30, 2008
Time: 10:30 a.m.
Dept: Courtroom 3

Honorable Roger T. Benitez

Complaint Filed: January 28, 2008

EVIDENTIARY OBJECTIONS TO PLAINTIFFS' OPPOSITION

In support of its motion to dismiss for lack of personal jurisdiction and improper venue or, in the alternative, to transfer venue or stay this action pending arbitration (the "Motion"), Defendant Taylor's Industrial Services, LLC ("Defendant") makes the following objections to evidence submitted by Plaintiffs Welltec Machinery U.S.A. and Welltec Machinery Limited ("Plaintiffs") in their opposition to the Motion:

Declaration of Gabriel G. Hedrick In Opposition, etc.

<u>Objectionable Evidence</u>	<u>Basis for Objection</u>
Paragraphs 3 through 28	Relevance (F.R.E. 402). Defendant does not dispute that it is an Illinois company and that it was served with the summons and complaint in this matter. Correspondence between counsel concerning extensions of time and drafting of stipulations is not relevant to the issues of: (1) the lack of Defendant's minimum contacts in California to support personal jurisdiction in this Court; (2) the impropriety of venue in this Court; or (3) the arbitration provision in the parties' contract.
Paragraph 29: "Attached hereto as Exhibit T is a true and correct copy of a computer printout <i>from Defendant's web site</i> found at http://www.hpnamerica.com ." Emphasis added.	Lack of personal knowledge (F.R.E. 602); Lacks authentication or identification (F.R.E. 901); hearsay (F.R.E. 802). Mr. Hedrick does not establish any evidentiary foundation for his conclusion that the web site is what Plaintiffs purport it to be.

Exhibits to Declaration of Gabriel G. Hedrick In Opposition, etc.Objectionable EvidenceBasis for Objection

Exhibits A through S.

Relevance (F.R.E. 402). Defendant does not dispute that it is an Illinois company and that it was served by with the summons and complaint in this matter. Correspondence between counsel concerning extensions of time and drafting of stipulations is not relevant to the issues of: (1) the lack of Defendant's minimum contacts in California to support personal jurisdiction in this Court; (2) the impropriety of venue in this Court; or (3) the arbitration provision in the parties' contract.

Exhibit T: computer printouts from a website found at <http://www.hpamerica.com>

Lacks authentication or identification (F.R.E. 901); hearsay (F.R.E. 802). The contents of the website, since Plaintiffs offer them for the truth of the matters asserted therein, are hearsay, and no competent evidence authenticates the website to be what Plaintiffs purport it to be.

Exhibit U: computer printout from a website found at <http://ubemachinery.com> [etc.]

Lacks authentication or identification (F.R.E. 901); hearsay (F.R.E. 802). The contents of the website, since Plaintiffs offer them for the truth of the matters asserted therein, are hearsay, and no competent evidence authenticates the website to be what

1		Plaintiffs purport it to be.
2	Exhibit V: computer printout from a	Lacks authentication or identification (F.R.E.
3	website entitled "The Free Library."	901); hearsay (F.R.E. 802). The contents of
4		the website, since Plaintiffs offer them for the
5		truth of the matters asserted therein, are
6		hearsay, and no competent evidence
7		authenticates the website to be what
8		Plaintiffs purport it to be.
9	Exhibit W: computer printout from a	Lacks authentication or identification (F.R.E.
10	website entitled "High Beam Research."	901); hearsay (F.R.E. 802). The contents of
11		the website, since Plaintiffs offer them for the
12		truth of the matters asserted therein, are
13		hearsay, and no competent evidence
14		authenticates the website to be what
15		Plaintiffs purport it to be.

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18 DATED: June 23, 2008

SOLOMON WARD SEIDENWURM & SMITH, LLP

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20 By: /s/ Tanya M. Schierling
21 TANYA M. SCHIERLING
22 MICHAEL M. VASSEGHI
23 Attorneys for TAYLOR'S INDUSTRIAL
24 SERVICES. LLC a/k/a HPM DIVISION
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CERTIFICATE OF SERVICE

On June 23, 2008, I caused **DEFENDANT'S OBJECTIONS TO EVIDENCE SUBMITTED IN PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO DISMISS, TRANSFER, OR STAY** to be served in the following manner:

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case:

Gabriel G. Hedrick, Esq.
Handal & Associates
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Facsimile: (619) 696-0323

Manual Notice List

The following is the list of attorneys who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

None.

/s/ Tanya M. Schierling
TANYA M. SCHIERLING